

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ULYSSES RODRIGUEZ CHARLES,)
Plaintiff)
)
v.)
)
CITY OF BOSTON, et al.)
Defendants)
)

)
04-CV-10986-NG

JOINT MOTION FOR ENLARGEMENT OF DISCOVERY PERIOD

Plaintiff, Ulysses Rodriguez Charles, and Defendants, City of Boston and Stanley I. Bogdan, (collectively, the “Parties”) respectfully move for an amendment to the joint scheduling statement endorsed by the Court as follows:

- (a) Fact discovery will now be completed by July 29, 2008;
- (b) Plaintiff will disclose his expert(s) and produce the Rule 26(a)(2)(b) report(s) by August 5, 2008;
- (c) Defendants will disclose their expert(s) and produce the Rule 26(a)(2)(b) report(s) by August 26, 2008;
- (d) Depositions of the Parties’ experts will be completed by September 9, 2008;
- (e) The Parties will serve motions for summary judgment no later than October 10, 2008; and
- (f) The Parties will serve oppositions to motions for summary judgment no later than November 9, 2008.

In support of their request for enlargement, the Parties state as follows:

1. As the Court might be aware, counsel for the Defendants also represent the City of Boston and Francis M. Roache in the matter of *Drumgold v. Callahan, et al.*, 04-cv-11193-NG, which began trial on March 3, 2008. The trial of that action potentially may continue for another four (4) weeks.

2. By agreement of the parties, Plaintiff's counsel were afforded time in both September and October 2007 for their preparation and trial respectively of the State Action.

3. The Parties continue to be engaged in extensive discovery in this case, which, as the Court is aware, concerns events that took place well over two decades ago. It involves many witnesses and a large volume of documents, including many which are old and difficult to locate.

4. The Parties have propounded interrogatories, exchanged documents, and taken several depositions. Although the Parties have been diligently engaged in discovery, they require additional time to complete it. There continue to remain at least seven (7) depositions to be conducted, including that of a subpoenaed third-party who thus far has failed to appear. Both parties have noticed depositions but are in the process of rescheduling those depositions consistent with the availability of counsel to attend. In addition, document discovery remains ongoing.

5. Additional time to complete fact discovery will also aid the Parties in attempting to narrow or resolve discovery issues without seeking judicial intervention, though the Parties expressly reserve their rights if they are unable to do so.

6. The Parties also require additional time in order to identify and retain their experts. The Parties' ability to do so is dependent, in part, on the information that they exchange in fact discovery, which, as noted above, is not yet complete.

7. Given that the Parties have joined in this motion, no party will be prejudiced by its allowance. In addition, the allowance of this motion will ensure, through full discovery, that the Court has the facts necessary to render a just decision. Accordingly, the interests of justice and judicial economy will be served by the allowance of this motion.

WHEREFORE, the Parties respectfully request that the Court grant the relief sought in this motion.

Respectfully submitted,
DEFENDANTS, STANLEY BOGDAN
And THE CITY OF BOSTON,
By their attorneys

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